

Applicants elect Species A, composition with crystalline active agent, with traverse.

In addition, the Examiner required Applicants to elect a method of use corresponding to the composition elected from the following:

- Species F: method of use with semi-crystalline active agent, amorphous active agent, mixture of semi-crystalline and crystalline active agent; or a mixture of amorphous, semi-crystalline and crystalline active agent;
- Species G: method of use with crystalline active agent; and
- Species H: method of use where the formulation is applied to plant tissue.

Applicants elect Species G, method of use with crystalline active agent, with traverse.

Applicants traverse the species election requirement on the grounds that the search and examination of all of the subject matter encompassed by Group I is not unduly burdensome.

Moreover, 37 C.F.R. 1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met; *i.e.*, provided that the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all of the limitations of the generic claim. Applicants' claimed invention meets all of the requirements of 37 C.F.R. 1.141 and, therefore, the species election requirement should be withdrawn.

Finally, Applicants presume that the Examiner will follow the procedures delineated in MPEP 809.02(c).

II. Conclusion

An early favorable action on the merits is awaited.

Respectfully submitted,

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